

AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes a change to Fig. 1A to include “PRIOR ART”. This sheet, which includes Figs. 1A-1H, replaces the original sheet including Figs. 1A-1H.

Moreover, Applicants are submitting eight attached sheets of drawings containing Figs. 1A-1H, 2A-2R, 3A-3F, 4G-4L, 5M-5T, 6A-6B, 7C-7N, and 8O-8T to provide even clearer copies of the figures of drawings.

Attachment: Eight Replacement Sheet

REMARKS/ARGUMENTS

Upon entry of this amendment, claim 2 will be canceled without prejudice or disclaimer of the subject matter recited therein; claims 1, 3 and 4 will be amended; and claims 5-21 will be added, whereby claims 1 and 3-21 will be pending. Claims 1 and 3 are independent claims.

Claim 1 has been amended to include that the cholesterol detection reagent comprises a polyethylene glycol cholesteryl ether labeled with an affinity substance. Claim 3 has been amended to even more positively recite the method for detecting cholesterol, comprising contacting a polyethylene glycol cholesteryl ether with a specimen, and detecting for presence of cholesterol in the specimen. Still further dependent claims have been added to further define Applicants' claimed subject matter. Support for the amendments appear throughout Applicants' application including the originally filed claims, and the specification, at page 6, beginning at line 4.

Reconsideration and allowance of the application are respectfully requested.

Consideration Of Information Disclosure Statement

Applicants are filing on even date herewith an Information Disclosure Statement. The Examiner is requested to confirm consideration of the Information Disclosure Statement by including an initialed copy of the Form PTO-1449 submitted therewith with the next communication from the Patent and Trademark Office.

Claim of Foreign Priority

Applicants express appreciation of the acknowledgment of the claim of priority and receipt of the certified copy of the priority application in this national stage application from the International Bureau.

Response To Objection To Drawings

The drawings are objected to in that the Office Action contends that Figure 1a should be designated by a legend such as --Prior Art-- because only that which is old is illustrated.

In response, Applicants are submitting a replacement sheet of drawings including the legend "PRIOR ART" therein for Fig. 1A.

Moreover, Applicants are submitting eight attached sheets of drawings containing Figs. 1A-1H, 2A-2R, 3A-3F, 4G-4L, 5M-5T, 6A-6B, 7C-7N, and 8O-8T to provide even clearer copies of the figures of drawings.

In view of the submission of the Replacement Sheets of drawings, Applicants respectfully request approval of the drawings, and withdrawal of this ground of objection.

Capitalization of Trademarks

The Office Action has indicated that the trademarks BODIPY and OREGON GREEN should be capitalized.

In response, Applicants note that BODIPY is already capitalized in the specification, and by the present amendment OREGON GREEN has been capitalized throughout the specification.

In view of the above, withdrawal of this ground of objection.

Response To Rejection Under 35 U.S.C. 112, First Paragraph

Claims 3 and 4 are rejected under 35 U.S.C. 112, first paragraph, because the rejection contends that the specification, while being enabling for the detection of cholesterol in cells and cellular membranes with a method which comprises exposing free or cellular cholesterol to biotinylated or fluorescently labeled PEG-Chol and determining the binding thereof, does not reasonably provide enablement for the detection of any cholesterol in any given format. The Examiner contends that the instant claims are not operable because it would not be possible for one to practice the invention given the limited steps described in Claim 3. The Examiner states, for example, that no provision is made for obtaining a sample of cholesterol, detecting or measuring the fluorescence, or any explanation of what exact steps are required to practice the claimed invention.

In this ground of rejection, it appears that the claims are rejected as not providing positive method steps. In response, Applicants have amended the claims to even more positively recite Applicants' method for detecting cholesterol.

Accordingly, this ground of rejection is no longer applicable, and should be withdrawn.

Response To Art Based Rejection

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Ishiwata et al. (1997) – hereinafter referred to as Ishiwata.

In this ground of rejection, it is contended that Ishiwata teaches a reagent, comprising a fluorescently labeled polyethylene glycol cholesteryl ether (PEG-Chol), referring to page 125, column 1, lines 20-37 and column 2, line 39.

In response, Applicants note that claim 1 presently recites a cholesterol detection reagent comprising a polyethylene glycol cholesteryl ether labeled with an affinity substance. Ishiwata does not appear to disclose a polyethylene glycol cholesteryl ether labeled with an affinity substance, whereby this ground of rejection is without appropriate basis, and should be withdrawn.

Moreover, dependent claims 5 and 6 recite a cholesterol detection reagent wherein the affinity substance comprises biotin and digoxigenin, respectfully. Accordingly, these claims are not anticipated by Ishiwata for their dependency upon claim 1 as well as for the subject matter recited therein.

Accordingly, the rejection of record should be withdrawn.

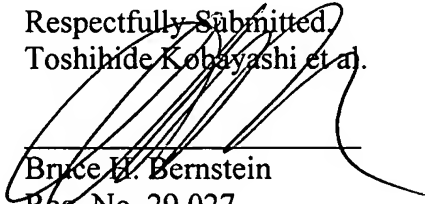
CONCLUSION

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections of record, and allow each of the pending claims.

Applicants therefore respectfully request that an early indication of allowance of the application be indicated by the mailing of the Notices of Allowance and Allowability.

Should the Examiner have any questions regarding this application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
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